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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,340	06/20/2005	Jillianne Pierce	LANI 3470	1624
7812	7590	06/22/2007	EXAMINER	
SMITH-HILL AND BEDELL, P.C. 16100 NW CORNELL ROAD, SUITE 220 BEAVERTON, OR 97006			BODAWALA, DIMPLE N	
		ART UNIT	PAPER NUMBER	
				1722
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		06/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/540,340	PIERCE, JILLIANNE	
	Examiner Dimple N. Bodawala	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 September 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 23-43 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 32-43 is/are allowed.  
 6) Claim(s) 23,25 and 27-31 is/are rejected.  
 7) Claim(s) 24 and 26 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.<br><br>   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

Claims 18-22 are cancelled.

Claims 23-43 are pending.

In view of the amendment, filed on September 20, 2006 following rejections are withdrawn for the reasons of record as given in the previous office action, mailed on June 29, 2006.

- ❖ Rejection of claim 22 under 35 U S C 112, second paragraph.
- ❖ Rejection of claims 18, 19, 21, and 22 under 35 U S C 102 (e) as being anticipated by Randmae et al. (U S Patent No. 6,412,670).
- ❖ Rejection of claim 20 under 35 U S C 103 (a) as being unpatentable over Randmae et al. (U S Patent No. 6,412,670).

### *Response to Arguments*

Applicant's arguments with respect to claims 18-22 have been considered but are moot in view of the new ground(s) of rejection.

### New Grounds of Rejection

#### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 23, 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randmae et al. (U S Patent No. 6,412,670) in view of Bossant (FR 2556004 A1).

Randmae ('670) discloses the candle making apparatus, which comprises an outer kiln, which is formed by an upper housing (36) and lower housing (40) that define a chamber (See figure 2); an inner mold (28) having closed bottom and an open top is provided for placement into and out of the chamber (See figure 2 and 8); and a wick placement device (46) configured to hold a wick (48) in place between the open top and bottom of the mold (See figure 2). It further teaches that the bottom (26) of the inner mold (28) (See figure 2) is formed with a channel (such as opening (66)) for receiving the wick (See col. 5 lines 10-12). It further discloses the wick holder (46), which would have been obvious to comprise a means for preventing molten wax from flowing from the inner mold (28) (See figure 2), because such an alignment holds molten wax into the inner mold during the molding process. It further discloses an electrical wiring as an electrical resistance-heating element as a portion of the heating assembly (See col.5 lines 40-41).

Randmae ('670) discloses a heating assembly (10) involves to thermally regulation into the chamber, which inherently heats the inner mold, however

fails to teach that the heating assembly having a flat heating surface which is involved to transfer the heat to the inner mold.

In the analogous art, Bossant ('004) discloses candle apparatus which comprises the heating assembly (38) having a flat heating surface which is supported the inner mold (such as a container (36)), and also involved to transfer heat from the flat heating surface to the inner mold (such as a container (36)) (See figure, and abstract).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the invention of Randmae ('670) by providing the heating assembly having a flat heating surface because such an alignment supports the inner mold (See abstract), and provides sufficient heat to the mold during the molding process as suggested by Bossant ('004).

Randmae further discloses the mold to include a handle 20. While claim 27 of the instant application defines a plurality of handles for the mold, the provision of a plurality of handles on the mold of Randmae would require merely duplicated the handle structure already disclosed by Randmae. Generally, the duplication of a known part for a multiplied effect has no patentable significance unless it can be shown that there is a new and unexpected result. See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA

*1960); St. Regis Paper Co. v. Bemis Co., 549 F.2d 833, 193 USPQ 8 (7th Cir. 1977).*

In this case, the provision of additional handles on the mold of Randmae would have been obvious to one of ordinary skill in the art at the time of Applicant's invention because this in turn would allow for the multiplied effect of the mold be secured at multiple points, i.e. by two hands on different handles.

Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randmae et al. (U S Patent No. 6,412,670) in view of Bossant (FR 2556004 A1) as applied to claims 23, 25, 27, and 28 above, and further in view of Augustine et al. (U S Patent No. 3,878,360).

Randmae ('670) and/or Bossant ('004) disclose all claimed structural limitation as discussed above, but do not disclose a thermostat and a control assembly.

Augustine ('360) discloses heating assembly (27) to heat the liquid (See col.1 lines 46-49), which comprises a thermostat (34) as a heating element for controlling the temperature of the chamber by regulating the thermal output of the heating assembly (See col.1 lines 53-55; col.4 lines 39-63). It further discloses control means (See col.2 line 44) as a control assembly for controlling operation of the heating assembly and the operation of the

thermostat; and further comprises a primary operating control such as a manual reset button (39) for selectively activating and deactivating the heating assembly (col.4 lines 39-63).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the invention of Randmae ('670) and/or Bossant ('004) by providing thermostat, and the control assembly because such alignments provide a curing and an improved heating assembly for quickly and efficiently heating (See col.2 lines 26-28); and also to assure a secure assembly (See col.4 lines 28-29) as suggested by Augustine ('360).

***Allowable Subject Matter***

Claims 32-43 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior arts of record fail to teach or suggest a candle-forming device as defined in claims 32-43 of the instant application. The closest prior art, Randmae et al. (U S Patent No. 6,412,670) fails to teach or suggest the candle making apparatus comprises at least one side wall extending upward from the base to an opening at the top of the kiln, wherein the opening being substantially perpendicular to the side wall, whereby the side wall and base define the chamber as defined in claim 32.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 24 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The closet prior art, either Randmae et al. (U S Patent No. 6,412,670) or Bossant (FR 2556004 A1) fails to teach or suggest the candle making apparatus which comprises the heat sink which is positioned to be in thermally conductive contact with the inner mold and for selective placement into the thermally conductive contact with the flat heating surface as defined in claims 24 and 26.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 1722

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dimple N. Bodawala whose telephone number is (571) 272-6455. The examiner can normally be reached on Monday - Friday at 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra N. Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DNB

  
JAMES P. MACKEY  
PRIMARY EXAMINER

6/21/07